



California Fair Political Practices Commission

March 4, 1988

Joseph Herzig
1751 Rainbow Drive
Santa Ana, CA 92705

Re: Your Request for Advice
Our File No. A-88-060

Dear Mr. Herzig:

You have requested advice concerning your campaign disclosure obligations under the Political Reform Act (the "Act").^{1/}

QUESTION

Are payments made to gather signatures to protest a city annexation reportable under the campaign disclosure provisions of the Act?

CONCLUSION

Your payments to gather petition signatures to protest a city annexation are not reportable under the campaign disclosure provisions of the Act unless the annexation issue has been ordered to be placed on an election ballot.

FACTS

You made expenditures in the process of gathering protest petitions to block a city annexation proposal. Voters or landowners in the area affected by a city annexation proposal have the right to file protest petitions as part of the hearing process on the proposal.

ANALYSIS

The Act provides that a campaign disclosure obligation may be incurred by any person who makes a payment for political purposes. (Section 82013 and 82025.) A payment is made for political purposes if it is intended to influence the actions of the voter for or against the qualification or passage of any measure. (Regulation 18225, copy enclosed.) A measure includes

^{1/}Government Code Sections 81000-91015. All statutory references are to the Government Code unless otherwise indicated. Commission regulations appear at 2 California Code of Regulations Section 18000, et seq. All references to regulations are to Title 2, Division 6 of the California Code of Regulations.

any proposition which is submitted to a popular vote by a legislative body, such as a city council, or which is submitted or intended to be submitted to a popular vote by an initiative, referendum or recall procedure. (Section 82043.)

The petition procedure to oppose a city annexation proposal is a part of the process which is antecedent to any decision to place the annexation question on an election ballot. (Government Code Section 57051.) The authority conducting the annexation procedure has various options other than placing an issue on an election ballot. (Government Code Section 57075 and 57075.5.)

Payments to support or oppose a city incorporation before the issue is placed on an election ballot are not reportable campaign expenditures. (In re Fontana (1976) 2 FPPC Opinions 25, copy enclosed.) Annexation procedures are analogous to those for incorporation. Therefore, only those expenditures which are made after an annexation issue has been placed on an election ballot may be subject to campaign disclosure requirements.

If you have any question regarding this advice, please call me at (916) 322-5662.

Sincerely,

Diane M. Griffiths
General Counsel

Bruce W. Robeck KMT.

By: Bruce W. Robeck
Political Reform Consultant

Enclosure



California Fair Political Practices Commission

February 3, 1988

Joseph Herzig
1751 Rainbow Drive
Santa Ana, CA 92705

Re: 88-060

Dear Mr. Herzig:

Your letter requesting advice under the Political Reform Act was received on February 2, 1988 by the Fair Political Practices Commission. If you have any questions about your advice request, you may contact me directly at (916) 322-5662.

We try to answer all advice requests promptly. Therefore, unless your request poses particularly complex legal questions, or more information is needed, you should expect a response within 21 working days if your request seeks formal written advice. If more information is needed, the person assigned to prepare a response to your request will contact you shortly to advise you as to the information needed. If your request is for informal assistance, we will answer it as quickly as we can. (See Commission Regulation 18329 (2 Cal. Adm. Code Sec. 18329).)

You also should be aware that your letter and our response are public records which may be disclosed to the public upon receipt of a proper request for disclosure.

Very truly yours,

Jeanne Pritchard
Jeanne Pritchard
Chief

Technical Assistance and Analysis
Division

JP:plh

January 26, 1988

FILE 2 5 26 JAN 88

Joseph Herzig
1751 Rainbow Drive
Santa Ana, Ca 92705

State of California Fair Political Practices Commission
428 J Street, Suite 800; P.O. Box 807,
Sacramento, California 95804-0814

Dear Sir or Madam,

I have an inquiry regarding the reporting requirements of the F.P.P.C. It is regarding Municipal (City) Annexation proceedings. In May of 1987, I expended money to collect signatures to stop an annexation in accordance with California Government Code §57051.

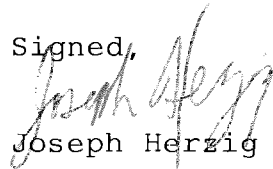
My question is this: are expenditures made to gather signatures to stop an annexation (to a City) reportable under the Fair Political Practices Act?

As you may be aware, under the Cortese/Knox Local Government Reorganization Act of 1985, a municipal annexation proceeds to completion automatically, in most cases, unless at least 25% of the registered voters or landowners in an annexation area sign written protests (See California Government Code §57000 et. seq.). If over 50% of the registered voters in an annexation area sign protests, then the annexation is stopped for one year.

As I am unaware whether or not reporting requirements apply to annexations, please advise me whether or not funds spent to gather annexation protest signatures are reportable.

Thank you.

Signed,


Joseph Herzig